

COUNCIL OF THE CITY OF ABERDEEN
Ordinance No. 15-O-04

Introduced By:	Mayor Michael E. Bennett
Date Introduced:	February 23, 2015
Public Hearing:	March 23, 2015
Deferred on:	March 23, 2015 to April 27, 2015
Date Adopted:	April 27, 2015
Date Effective:	May 18, 2015

ORDINANCE NO. 15-O-04

AN ORDINANCE concerning

TRASH COLLECTION STICKERS

FOR the purpose of clarifying and expanding a program for the sale, distribution and use of stickers designating certain residential solid waste for pick-up in the City of Aberdeen; prohibiting the pick-up of certain solid waste that is not designated by such stickers; providing for the sale and distribution of such stickers by certain retail establishments in the City of Aberdeen and providing a licensing program to ensure accountability by such commercial establishments and protection of the public; allowing commercial establishments to charge upon resale a certain amount in excess of the face amount of each sticker; prohibiting the counterfeiting of stickers, and the sale, distribution or use of counterfeit stickers; providing penalties for violations; and generally relating to a program for the sale, distribution and use of stickers to designate certain residential solid waste for pick-up in the City of Aberdeen.

BY repealing and reenacting, with amendments
Chapter 250. ENVIRONMENTAL CONTROL
Article VII, Collection and Transportation of Solid Waste
Section 250-22
Code of the City of Aberdeen (2010 Edition as amended)

EXPLANATION:

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW
((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.

* * * indicates existing unmodified text omitted from Ordinance.

SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Section 250-22 of the Code of the City of Aberdeen (2010 Edition as amended), Chapter 250. ENVIRONMENTAL CONTROL, Article VII, Collection and Transportation of Solid Waste, is repealed and reenacted, with amendments, to read as follows:

Chapter 250. ENVIRONMENTAL CONTROL

Article VII, Collection and Transportation of Solid Waste

§ 250-22. Charges; structures containing three or fewer residential dwelling units.

- A. All owners and tenants of structures containing not more than three residential dwelling units within the City shall be required to comply with the provisions of this chapter.
- B. The City, through its Treasurer, shall issue stickers at the rates prescribed herein. ALL STICKERS SHALL BE SEQUENTIALLY NUMBERED. THE PURCHASE PRICE PAID FOR STICKERS IS NON-REFUNDABLE. ((No refuse, trash or garbage shall be collected by the City unless each plastic bag or container has affixed to it a sticker issued by the Treasurer.)) THE TREASURER MAY SELL STICKERS TO COMMERCIAL ESTABLISHMENTS IN THE CITY FOR RESALE, AND COMMERCIAL ESTABLISHMENTS MAY PURCHASE STICKERS FROM THE TREASURER FOR RESALE OR DISTRIBUTION, UNDER THE FOLLOWING TERMS AND CONDITIONS:
- (1) THE TREASURER SHALL SELL STICKERS TO COMMERCIAL ESTABLISHMENTS FOR RESALE OR DISTRIBUTION AT THE PRICES SET FORTH IN SUBSECTION C. OF THIS SECTION. THE PRICE FOR A STICKER AS SET FORTH IN SUBSECTION C. IS THE STICKER'S "FACE VALUE." THE FOLLOWING TYPES OF COMMERCIAL ESTABLISHMENTS ARE NOT ELIGIBLE TO PURCHASE STICKERS FROM THE TREASURER:
- (A) A COMMERCIAL ESTABLISHMENT WHOSE PRIVILEGE TO RESELL STICKERS HAS BEEN REVOKED.
- (B) A COMMERCIAL ESTABLISHMENT THAT HAS NOT RECEIVED A LICENSE FROM THE TREASURER UNDER THIS SUBSECTION B.
- (2) THE PURCHASE PRICE PAID FOR STICKERS SOLD TO AND PURCHASED BY COMMERCIAL ESTABLISHMENTS IS NON-REFUNDABLE.
- (3) A COMMERCIAL ESTABLISHMENT MAY NOT PURCHASE STICKERS FROM THE TREASURER FOR RESALE OR DISTRIBUTION, AND MAY NOT RESELL OR DISTRIBUTE A STICKER, UNLESS THE OWNER OF THE ESTABLISHMENT HAS FILED AN APPLICATION WITH THE

1 TREASURER AND BEEN ISSUED A LICENSE BY THE TREASURER.
2 THERE IS NO FEE FOR FILING AN APPLICATION OR RECEIVING A
3 LICENSE. AN APPLICATION SHALL BE IN A FORM PRESCRIBED BY
4 THE TREASURER. THE APPLICATION FORM MUST INCLUDE, AMONG
5 OTHER INFORMATION REASONABLY REQUIRED BY THE
6 TREASURER:

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8 (A) THE NAME AND ADDRESS OF THE COMMERCIAL
9 ESTABLISHMENT;

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11 (B) THE NAME OF THE INDIVIDUAL WHO WILL BE RESPONSIBLE
12 FOR OVERSEEING THE ESTABLISHMENT'S RESALE AND
13 DISTRIBUTION OF STICKERS AND COMPLYING WITH THE
14 REQUIREMENTS OF THIS SUBSECTION B. IF THIS INDIVIDUAL
15 CHANGES AFTER A LICENSE HAS BEEN ISSUED, THE OWNER
16 SHALL FILE PROMPTLY WITH THE CITY, A WRITTEN
17 NOTIFICATION THAT CONTAINS THE NAME OF THE NEW
18 INDIVIDUAL WHO WILL BE RESPONSIBLE FOR OVERSEEING
19 THE ESTABLISHMENT'S RESALE AND DISTRIBUTION OF
20 STICKERS AND COMPLYING WITH THE REQUIREMENTS OF
21 THIS SUBSECTION B.;

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23 (C) A STATEMENT THAT THE ESTABLISHMENT AGREES TO NOT
24 RESELL ANY STICKER FOR MORE THAN TEN PERCENT (10%) IN
25 EXCESS OF THE FACE VALUE OF THE STICKER;

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27 (D) A STATEMENT THAT THE ESTABLISHMENT AGREES TO NOT
28 SELL OR DISTRIBUTE STICKERS EXCEPT TO OWNERS AND
29 TENANTS OF STRUCTURES CONTAINING NOT MORE THAN
30 THREE RESIDENTIAL DWELLING UNITS WITHIN THE CITY;
31 AND

32
33 (E) A STATEMENT THAT THE PURCHASE PRICE FOR STICKERS
34 SOLD TO AND PURCHASED BY THE COMMERCIAL
35 ESTABLISHMENT IS NON-REFUNDABLE.

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37 (4) THE TREASURER SHALL ISSUE A LICENSE IF THE APPLICATION IS IN
38 PROPER FORM AND THE COMMERCIAL ESTABLISHMENT IS NOT
39 PROHIBITED BY PARAGRAPH (1) OF THIS SUBSECTION B. FROM
40 PURCHASING STICKERS FROM THE TREASURER. ACCEPTANCE OF A
41 LICENSE IS THE COMMERCIAL ESTABLISHMENT'S AGREEMENT TO
42 COMPLY WITH THE REQUIREMENTS OF THIS SECTION AND NOT TO
43 RESELL OR DISTRIBUTE STICKERS EXCEPT IN COMPLIANCE WITH
44 THIS SUBSECTION B.
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- (5) A LICENSE ISSUED BY THE TREASURER IS NOT ASSIGNABLE OR TRANSFERABLE TO ANOTHER COMMERCIAL ESTABLISHMENT. A LICENSE IS VOID UPON TRANSFER OR SALE OF THE COMMERCIAL ESTABLISHMENT FOR WHICH THE LICENSE WAS ISSUED.
- (6) THE TREASURER MAY SUSPEND OR REVOKE A LICENSE AFTER WRITTEN NOTICE TO THE OWNER OF THE COMMERCIAL ESTABLISHMENT AND A REASONABLE OPPORTUNITY TO BE HEARD IF THE ESTABLISHMENT SELLS OR DISTRIBUTES STICKERS IN VIOLATION OF THIS SUBSECTION B.
- (7) THE TREASURER SHALL MAINTAIN RECORDS OF ALL STICKERS SOLD TO COMMERCIAL ESTABLISHMENTS FOR RESALE OR DISTRIBUTION. THE RECORD FOR EACH SALE SHALL INCLUDE THE NAME AND ADDRESS OF THE COMMERCIAL ESTABLISHMENT, THE DATE OF THE SALE, THE STICKER NUMBERS FOR OF EACH TYPE OF STICKER SOLD, AND THE TOTAL PRICE PAID BY THE COMMERCIAL ESTABLISHMENT FOR THE STICKERS.
- (8) A COMMERCIAL ESTABLISHMENT THAT PURCHASES STICKERS FROM THE TREASURER FOR RESALE MAY RESELL EACH STICKER AT A PRICE UP TO TEN PERCENT (10%) MORE THAN THE FACE VALUE OF THE STICKER. THE COMMERCIAL ESTABLISHMENT MAY SELL STICKERS AT FACE VALUE OR LESS THAN FACE VALUE, AND MAY DISTRIBUTE STICKERS FOR NO COMPENSATION.
- (9) A COMMERCIAL ESTABLISHMENT THAT PURCHASES STICKERS FROM THE TREASURER FOR RESALE MAY SELL OR DISTRIBUTE THE STICKERS ONLY TO OWNERS AND TENANTS OF STRUCTURES CONTAINING NOT MORE THAN THREE RESIDENTIAL DWELLING UNITS WITHIN THE CITY.
- (10) THE OWNER OF A COMMERCIAL ESTABLISHMENT AND THE INDIVIDUAL WHO IS RESPONSIBLE FOR OVERSEEING THE ESTABLISHMENT'S RESALE AND DISTRIBUTION OF STICKERS AND COMPLYING WITH THE REQUIREMENTS OF THIS SUBSECTION B. ARE JOINTLY AND SEVERALLY RESPONSIBLE FOR COMPLYING WITH THIS SECTION.

C. The City shall charge the following rates for stickers:

- (1) For each plastic trash bag or container having a capacity not exceeding 20 gallons, a charge of \$0.50 for each sticker. The plastic trash bag or container shall not exceed 21 pounds.

(2) For each plastic trash bag or container having a capacity in excess of 20 gallons but not exceeding 32 gallons, a charge of \$1 for each sticker. The plastic trash bag or container shall not exceed 42 pounds.

D. The City shall not collect trash, garbage or refuse unless identified with a sticker issued by the Treasurer.

E. No owner, tenant or occupant of any property shall offer for collection by the City any garbage, trash or refuse unless identified with a sticker issued by the Treasurer.

F. Enforcement of this section shall not preclude the City from proceeding under the remaining provisions of this Chapter or under the provisions of any applicable laws or regulations.

G. A PERSON MAY NOT CREATE OR MANUFACTURE A COUNTERFEIT STICKER. A PERSON MAY NOT SELL, DISTRIBUTE OR USE A COUNTERFEIT STICKER.

H. A PERSON WHO VIOLATES ANY PROVISION OF THIS SECTION IS GUILTY OF A MUNICIPAL INFRACTION AND IS LIABLE FOR A FINE OF ONE HUNDRED DOLLARS (\$100) FOR A FIRST OFFENSE AND TWO HUNDRED, FIFTY DOLLARS (\$250) FOR EACH SUBSEQUENT OFFENSE. EACH DAY THAT A VIOLATION CONTINUES IS A SUBSEQUENT OFFENSE.

I. NOTWITHSTANDING SUBSECTION H., A PERSON WHO COUNTERFEITS A STICKER, WHO KNOWINGLY SELLS, DISTRIBUTES OR USES A COUNTERFEIT STICKER, OR WHO RESELLS A STICKER FOR A PRICE IN EXCESS OF THE MAXIMUM AMOUNT ALLOWED UNDER PARAGRAPH (8) OF SUBSECTION B. OF THIS SECTION IS GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, IS LIABLE FOR A FINE OF ONE THOUSAND DOLLARS (\$1,000). EACH ACT OF COUNTERFEITING A STICKER OR SELLING A STICKER FOR A PRICE IN EXCESS OF THE MAXIMUM AMOUNT ALLOWED UNDER PARAGRAPH (8) OF SUBSECTION B. IS A SEPARATE OFFENSE.

SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that this Ordinance shall become effective at the expiration of twenty (20) calendar days following adoption.

COUNCIL OF THE CITY OF ABERDEEN

Michael E. Bennett, Mayor

Ruth E. Elliott, Councilwoman

Sandra J. Landbeck, Councilwoman

Stephen A. Smith, Councilman

Ruth Ann Young, Councilwoman

ATTEST:

SEAL:

Monica A. Correll, City Clerk

Date _____